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5                   **UNITED STATES DISTRICT COURT**  
6                   **EASTERN DISTRICT OF WASHINGTON**

7                   **LESLIE SCHMITZ,**

No. 1:17-CV-03055-MKD

8                   Plaintiff,

9                   **ORDER GRANTING**  
10                  **STIPULATED MOTION FOR**  
11                  **REMAND PURSUANT TO**  
12                  **SENTENCE FOUR OF 42 U.S.C. §**  
13                  **405(g)**

14                  **vs.**  
15                  **COMMISSIONER      OF      SOCIAL**  
16                  **SECURITY,**

**ECF Nos. 15, 19**

17                  **Defendant.**

18                  BEFORE THE COURT is the parties' Stipulated Motion for Remand (ECF

19                  No. 19) of the above-captioned matter to the Commissioner for additional  
20                  administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g).

21                  Attorney D. James Tree represents Plaintiff. Attorney Justin Martin represents  
22                  Defendant. The parties have consented to proceed before a magistrate judge. ECF  
23                  No. 3. After considering the file and proposed order, **IT IS HEREBY**

24                  **ORDERED:**

25                  1. The parties' Stipulated Motion for Remand (**ECF No. 19**) is

26                  **GRANTED.**

1       2. The above-captioned case is **REVERSED** and **REMANDED** to the  
2 Commissioner of Social Security for further administrative proceeding pursuant to  
3 sentence four of 42 U.S.C. § 405(g).

On remand the administrative law judge (ALJ) shall hold a new hearing and:

(1) consider the new and material evidence from Dr. Burkett and Yakima Valley Memorial Hospital; (2) reconsider whether Plaintiff has an impairment that meets or equals a Listing in 20 CFR Part 404, Subpart P, Appendix 1; (3) reassess Plaintiff's residual functional capacity, if necessary; (4) obtain supplemental evidence from a vocational expert; (5) offer Plaintiff a supplemental hearing; and (6) issue a new decision.

11 3. Judgment shall be entered for PLAINTIFF.

12       4. Plaintiff's Motion for Summary Judgment (**ECF No. 15**) is **STRICKEN**  
13      **AS MOOT.**

14       5. Upon proper presentation, this Court will consider Plaintiff's application  
15 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, **enter Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

DATED October 23, 2017.

*s/Mary K. Dimke*  
MARY K. DIMKE  
UNITED STATES MAGISTRATE JUDGE